

**REMARKS**

The above Amendments and these Remarks are in reply to the Office Action mailed December 22, 2003.

**I. Status of Claims**

Claims 1-33 are pending, with claims 1, 8, 11, 17, 27, 29, 30, 31 being independent. The present Response amends claim 11, 17, 30 and 31, leaving for the Examiner's present consideration claims 1-33. Reconsideration of the rejections is requested.

**II. Summary of Rejections**

Claims 17-29 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. More specifically, it was asserted in the Office Action that, as written, the invention does not need to be practiced in the useful or technological arts and therefore are not limited to practical applications in the technological arts. The Examiner asserted that both "a client" and "a service provider" are not tangibly embodied and merely represent an abstract idea, thus making the claims directed to nonfunctional descriptive material.

Claims 30-33 were rejected under 35 U.S.C. 101 because, as claimed, "the information storage medium" is allegedly such a broad recitation that the software described is not necessarily computer readable and executable.

Claims 1-33 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Hirabayashi (U.S. Patent No. 6,549,936).

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### **III. 35 U.S.C. 101 Rejection**

#### **A. Claims 17-29**

As mentioned above, with regards to claims 17-29, it was asserted in the Office Action that the invention does not need to be practiced in the useful or technological arts and therefore are not limited to practical applications in the technological arts. The Examiner asserted that both "a client" and "a service provider" are not tangibly embodied and merely represent an abstract idea, thus making the claims directed to nonfunctional descriptive material.

The specification gives a few examples of type of clients, including a World Wide Web ("web") server and a facsimile transmission ("fax") server, or some other type of server (see page 14, lines 20-21 of the present application). Similarly, the specification gives a few examples of "service providers", including "a program functioning as an interface for a human who performs part or all of a task" and "programs running on computers" (see page 23, lines 7-10 of the present application). Accordingly, the specification gives tangible examples of both "a client" and "a service provider." Thus, these terms are more than mere abstracts ideas. Applicants respectfully request that the 35 U.S.C. 101 rejection be withdrawn. If the Examiner wishes to maintain the 35 U.S.C. 101 rejection of these claims, Applicants respectfully request the Examiner to provide a more detailed 35 U.S.C. 101 rejection which includes support for the rejection (e.g., case law, or an M.P.E.P. cite), and preferably a recommendation for overcoming the rejection.

#### **B. Claims 30-33**

Claim 30 and 31 have been amended such that their preambles now reads "An article of manufacture including an information storage medium wherein is stored computer readable

information comprising:" Applicants believe that these amendments overcome the rejection, and respectfully request the 101 rejection of claims 30-33 be withdrawn.

#### **IV. 35 U.S.C. 102(e) Rejections**

##### **A. Claims 1-7**

Claim 1 is directed to preparing a job for execution by a batch job execution system. Claim 1 includes the step of "selecting a program, subsequent to receiving the job, which includes a first part and a second part, which may be used in executing the job." Claim 1 also includes the step of "preparing a batch job by associating the selected program with the job." Claim 1 further includes the step of "transmitting the batch job toward the batch job execution system."

In other words, after a job is received, a program that may be used for executing the job is selected. Then, a batch job is prepared by associating the selected program with the job, and then the batch job is transmitted toward a batch job execution system. In this manner, when the batch job is received at the batch job execution system, the batch job execution system will know what program can be used to execute the job.

In rejecting claim 1, it was asserting in the Office Action that column 3, lines 15-18; column 3, lines 13-14; and column 1, lines 14-16, of Hirabayashi, respectively, teach the above mentioned steps of claim 1. In general, Hirabayashi discusses a job transferring method of sending a request from a first computer to a second computer so as to cause a job to be registered and executed (see Hirabayashi, column 2, line 66 - column 3, line 2). Hirabayashi explains that a first computer sends a request data stream to a second computer, wherein the request data stream includes the content of a

plurality of scripts and an executing instruction for the script that is to be executed first (see Hirabayashi, column 3, lines 2-7). The second computer then extracts and stores the content of the scripts (see Hirabayashi, column 3, lines 7-10). The second computer further fetches the executing instruction for the script that is to be executed first (wherein the executing instruction and the script was sent from the first computer in the data stream) and then executes that executing instruction (see Hirabayashi, column 3, lines 11-13). Preferably, the request data stream that is sent from the first computer to the second computer is a text data-formatted stream including tags that describe various types of parameter information (see Hirabayashi column 3, lines 15-18).

Applicants point out that column 3, lines 15-18 of Hirabayashi does not teach or suggest "selecting a program, subsequent to receiving the job [from an external source]... which may be used in executing the job." Rather, it appears that in Hirabayashi the program that will be used to execute transferred scripts is preset or predetermined. This appears to be the case because Hirabayashi does not at all discuss that a computer selects a program that may be used to execute a script, subsequent to a script being received from an external source.

Further, column 3, lines 13-14 of Hirabayashi does not teach or suggest "preparing a batch job by associating the selected program [which was selected subsequent to receiving the job] with the job." Rather, Hirabayashi merely states that a job request data stream "includes a plurality of scripts and an executing instruction for a script to be executed first of the plurality of scripts." (see Hirabayashi, column 3, lines 3-6). That is, Hirabayashi's providing an "executing instruction for a script to be executed first" is not the same as associating a selected program with a job. More specifically, Hirabayashi provides the executing instruction so that the second computer will know which of a plurality of scripts to execute first. In contrast, in claim 1, the selected program is

associated with the received job so that job execution system (to which the batch job is transmitted) will know what program to use when executing a job.

Further, column 1, lines 14-16 does not teach or suggest "transmitting the batch job toward the batch job execution system [after the batch job was prepared by associating a selected program with a job, as claimed]" Rather, this portion of Hirabayashi merely states that a batch job can be transferred from a first computer to a second computer so that the second computer can execute the batch job and return the results to the first computer. As just explained above, Hirabayashi does not teach or suggest that the batch job that is transmitted between computers was specifically prepared in the claimed manner.

In summary, for at least the reasons that Hirabayashi does teach the steps of "selecting a program, subsequent to receiving the job, which includes a first part and a second part, which may be used in executing the job", "preparing a batch job by associating the selected program with the job" and "transmitting the batch job toward the batch execution system", Applicants request that the 35 U.S.C. 102(e) rejection of claim 1, and its dependent claims 2-7, be withdrawn.

**B. Claims 8-10**

Claim 8 includes the steps of "determining for the tasks of the batch job a service type, offered by a service provider of the batch job execution system, which may be used for performing the task" and "creating a step for each task, wherein the steps comprise a first reference to the determined service type needed to perform the task, and a second reference to the task." In other words, a service type is determined for each task of a batch job. Such a service type is offered by at least one service provider, of a plurality of service providers that may be used to execute the batch

job. A step is then created for each task, wherein each step includes a reference to the service type needed to perform the task, as well as a reference to that task. In this manner, the batch job execution system can make sure that steps of a task can be assigned to an appropriate service provider capable of performing that task (i.e., the batch job execution system can make sure it only forwards a task to a service provider that can handle the service type of the task.)

In rejecting claim 8, it was asserting in the Office Action that column 6, lines 28-32 of Hirabayashi teaches the above mentioned claimed steps. However, at column 6, lines 28-32, Hirabayashi merely discloses that a server gateway can be provided between a client and a server, wherein the gateway receives a variety of types of requests from clients, and "judging to which server the respective requests should be transferred, transferring the request to the server, receiving and summarizing, as response data, the request execution result from the server, and returning the response data back to the client of the request issue source." While Hirabayashi does disclose that various types of request are transferred from the gateway to various servers, Hirabayashi does not explain how the gateway decides on which server to send each request. Further, even though various types of requests are received at the gateway of Hirabayashi, Hirabayashi does not disclose that the gateway determines a service type for each request. Additionally, even though the gateway of Hirabayashi judges "to which server the respective requests should be transferred," Hirabayashi does not disclose creating a step for each request, wherein each step includes a reference to the service type needed to perform the request, as well as a reference to that request.

In summary, for at least the reasons that Hirabayashi does not teach the steps of "determining for the tasks of the batch job a service type, offered by a service provider of the batch job execution system, which may be used for performing the task" and "creating a step for each task, wherein the

steps comprise a first reference to the determined service type needed to perform the task, and a second reference to the task," Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 8, and its dependent claims 9-10, be withdrawn.

**C. Claims 11-13**

Claim 11 is directed to a method for preparing and executing a task of a batch job by a batch job execution system. Specifically, the steps of claim 11 explain a protocol used by a service provider, which sits between a job management apparatus (of the batch job execution system) and a remote platform, e.g., as shown in FIG. 4. More specifically, the protocol of claim 11 defines how the service provider, when it receives a task from the job management apparatus, communicates with a remote platform in order to get the task completed. Accordingly, claim 11 has been amended to make it clear that "each of the steps is performed by the service provider."

Claim 11 includes, among other steps, the steps of "making a call to start a session with a remote platform, in response to receiving the task;" and "making a call to put, subsequent to making a call to start a session, which transfers at least a portion of the information in the task to be executed to the remote platform". In rejecting claim 11, it was asserting in the Office Action that column 7, lines 19-23 of Hirabayashi, and column 7, lines 24-26 of Hirabayashi, teach the above mentioned steps. Column 7, lines 19-23 of Hirabayashi explains that a server 301 establishes a connection with a client 302 in response to receiving a connection request from the client 302. Column 7, lines 24-26 of Hirabayashi explains that the server 301 then receives a job registration, a state alteration, a deletion, or a queue enumeration request from the client 302. This is certainly different than the service provider "making a call to put ... which transfers at least a portion of the information in a task

to be executed to the remote platform" with which a session has started, as is required by claim 11. For at least this reason, Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 11, and its dependent claims 12-13, be withdrawn.

Further, in the portions of the Hirabayashi pointed out in the Office Action, which allegedly teach the steps of claim 11, some of the steps are initiated and performed by the client, while other steps are initiated and performed by the server. In contrast, the steps of claim 11 are all performed by the service provider. For this additional reason, Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 11, and its dependent claims 12-13, be withdrawn.

**D. Claims 14-16**

Claim 14 is directed to a method for preparing and executing a task of a batch job execution system. The method includes "creating a plurality of steps, in response to receiving the task, which must be executed by a plurality of other service providers in order to complete the task." In rejecting claim 14, it was asserting in the Office Action that column 6, lines 58-60 of Hirabayashi teaches the above mentioned claimed features. However, column 6, lines 58-60 merely states that a server gateway creates the response data (based on execution results transferred from a server), "and then creates a text-based response data stream 205 referred to as a response block 205 thereby returning the response data back to the client 201 of the request issue source." In other words, this portion of Hirabayashi merely states that a server gateway sends response data back to the client that issued a request. Hirabayashi does not teach or suggest "creating a plurality of steps ... which must be executed by a plurality of other service providers in order to complete the task." Further, Hirabayashi does not teach doing this in response to receiving a task.



For at least the reasons discussed above, Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 14, and its dependent claims 15-16, be withdrawn.

**E. Claims 17-23**

The apparatus of claim 17 includes a client which is for "selecting a program ... wherein the program may be used in executing the job", "preparing a batch job by associating the selected program with the job" and "transmitting the batch job toward the batch execution system." For reasons similar to those discussed above with regards to claim 1, Applicants believe that claim 17, and its dependent claims 18-23, are patentable over Hirabayashi.

**F. Claims 24-26**

The apparatus of claim 24 includes a service provider, for "determining for the tasks of the batch job a service type, offered by a service provider of the batch job execution system, which may be used for preparing the task" and "creating a step for the tasks, wherein the step comprises a reference to the determine service type needed to perform the task, and a reference to the task." Applicants believe that claim 24, and its dependent claims 25-26, are patentable over Hirabayashi for reasons similar to those discussed above with reference to claim 8.

**G. Claims 27-28**

Applicants believe that claim 27, and its dependent claims 28, are patentable over Hirabayashi for reasons similar to those discussed above with reference to claim 11.

**H. Claim 29**

Applicants believe that claim 29 is patentable over Hirabayashi for reasons similar to those discussed above with reference to claim 14.

**I. Claim 30**

Applicants believe that claim 30 is patentable over Hirabayashi for reasons similar to those discussed above with reference to claim 17.

**J. Claim 31**

Applicants believe that claim 31 is patentable over Hirabayashi for reasons similar to those discussed above with reference to claim 8.

**V. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5/19/04

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